



1 ROBERT T. EGLET, ESQ.
Nevada Bar No. 3402
2 ROBERT M. ADAMS, ESQ.
Nevada Bar No. 6551
3 ARTEMUS W. HAM, ESQ.
Nevada Bar No. 7001
4 ERICA D. ENTSMINGER, ESQ.
Nevada Bar No. 7432
5 JOEL D. HENRIOD, ESQ.
Nevada Bar No. 8492
6 CASSANDRA S.M. CUMMINGS, ESQ.
Nevada Bar No. 11944
7 **EGLET ADAMS EGLET HAM HENRIOD**
400 S. Seventh St., Suite 400
8 Las Vegas, NV 89101
Ph: (702) 450-5400; Fax: (702) 450-5451
9 Email: eservice@egletlaw.com
10 *Attorneys for Plaintiffs*

11 **UNITED STATES DISTRICT COURT**
12 **DISTRICT OF NEVADA**

13 MATTHEW O'KEEFE, an individual; and
14 MARIA CELESTE MATTIELLO, an individual, CASE NO.

15 Plaintiffs,

16
17 vs.

COMPLAINT AND DEMAND FOR
JURY TRIAL

18 3M COMPANY; 3M CHEMICAL
19 OPERATIONS LLC; AGC CHEMICALS
20 AMERICAS, INC.; AMEREX
21 CORPORATION; THE ANSUL COMPANY;
22 ARCHROMA U.S., INC.; ARKEMA, INC.;
23 ASAHI KASEI PLASTICS AMERICA, INC.;
24 BASF CORPORATION; BUCKEYE FIRE
25 EQUIPMENT COMPANY; CARRIER FIRE
26 & SECURITY AMERICAS, LLC F/K/A UTC
27 FIRE & SECURITY AMERICAS
28 CORPORATION, INC.; CARRIER FIRE &
SECURITY CORPORATION; CARRIER
GLOBAL CORPORATION; CHEMDESIGN
PRODUCTS, INC.; CHEMGUARD, INC.;
CHEMICALS INCORPORATED; THE
CHEMOURS COMPANY; CLARIANT
CORPORATION; CORTEVA, INC.;
DEEPWATER CHEMICALS, INC.;
DUPONT DE NEMOURS INC.; DYNAX



CORPORATION; EIDP, INC. F/K/A E.I. DU PONT DE NEMOURS AND COMPANY; FIRE-DEX, INC.; FIRE-DEX, LLC; GLOBE MANUFACTURING COMPANY, LLC; HONEYWELL SAFETY PRODUCTS USA, INC.; JOHNSON CONTROLS, INC.; JOHNSON CONTROLS FIRE PROTECTION LP F/K/A JOHNSON CONTROLS FIRE PROTECTION LIMITED PARTNERSHIP; KIDDE-FENWAL, INC.; KIDDE PLC INC.; LION GROUP, INC.; MINE SAFETY APPLIANCES COMPANY, LLC; MSA SAFETY INCORPORATED; NARCOTE LLC D/B/A STEDFAST USA; NATIONAL FOAM, INC.; NATION FORD CHEMICAL COMPANY; PBI PERFORMANCE PRODUCTS, INC.; SOUTHERN MILLS, INC.; TYCO FIRE PRODUCTS, LIMITED PARTNERSHIP; RTX CORPORATION F/K/A UNITED TECHNOLOGIES CORPORATION; W.L. GORE & ASSOCIATES, INC.; DOES 1 through 20 and ROE CORPORATIONS 1 through 20, inclusive,

Defendants.

Plaintiffs, MATTHEW O'KEEFE and MARIA CELESTE MATTIELLO, by and through their undersigned attorneys, allege, upon information and belief, as follows:

I. INTRODUCTION

1. Plaintiffs bring this action for monetary damages and appropriate equitable and injunctive relief for harm resulting from exposure to toxic PFAS chemicals that were designed, produced, promoted, supplied, sold and/or distributed by each of the Defendants and/or their predecessors and subsidiaries.

2. PFAS (per- and poly-fluoroalkyl substances) are man-made chemicals characterized by a strong bond between fluorine and carbon. These toxic and carcinogenic chemicals are used in a variety of manufactured products to repel heat, water, grease, and stains.

1 3. PFAS are also known as “forever chemicals” because they do not break down
2 easily. They can persist in the environment, and in the human body, for decades.

3 4. Human exposure to PFAS can occur by ingesting, breathing, or touching the
4 chemicals.

5 5. Human exposure to PFAS has been linked to multiple adverse health outcomes
6 including: altered metabolism and thyroid function; weakened immune system; kidney disease;
7 thyroid disease; and increased risk of certain types of cancer.

8 6. Defendants knew, or should have known, of the toxic nature of PFAS and the
9 adverse health effects these substances have on human health.

10 7. Defendants knew, or should have known, that PFAS chemicals remain in the body
11 for decades, and present a significant ongoing risk to human health after exposure.

12 8. Certain firefighting foams, known as “Class B foam,” are manufactured with
13 PFAS.

14 9. Aqueous film-forming foam (“AFFF”) is a Class B foam used by military and
15 civilian firefighters to train for and fight liquid-based fires.

16 10. Defendants collectively designed, produced, promoted, supplied, sold, distributed,
17 or otherwise released into the stream of commerce, Class B foam for use within the State of
18 Nevada, with the knowledge that it contained highly toxic PFAS which would expose end users
19 to risk of severe adverse health effects.

20 11. Further, Defendants collectively designed, produced, promoted, supplied, sold,
21 distributed, or otherwise released into the stream of commerce, PFAS or PFAS-containing
22 materials in protective clothing specifically designed for firefighters (“turnouts” or “turnout gear”)
23 for use within the State of Nevada, with the knowledge that they contained highly toxic PFAS
24 which would expose end users to risk of severe adverse health effects.

25 12. Turnout gear includes pants, jackets, hoods, helmets, boots, and gloves. PFAS
26 chemicals are used in turnouts to make the materials heat, water, and stain resistant.

27 13. High levels of PFAS have been found in firefighting turnouts, including in turnouts
28 manufactured by Defendants MSA/Globe, Lion, and Honeywell.



1 14. PFAS contained in the fabric of turnouts are broken down and released into the
2 environment when exposed to heat. Firefighters are then exposed to PFAS through inhalation,
3 ingestion, or skin contact.

4 15. Despite knowing the toxic nature of PFAS, and the significant ongoing risk to
5 human health caused by exposure to these substances, Defendants designed, produced, promoted,
6 supplied, sold, distributed, or otherwise released into the stream of commerce, PFAS products,
7 including Class B foam and turnouts, for use in firefighting training facilities and fire departments
8 in Nevada and throughout the nation.

9 16. Despite knowing the toxic nature of PFAS, and the significant ongoing risk to
10 human health caused by exposure to these substances, Defendants did not notify or warn
11 firefighters or the public that their turnouts and Class B foam contained PFAS, or that exposure to
12 PFAS could result in serious health risks.

13 17. At all times relevant to this Complaint, Defendants represented that their Class B
14 foams and/or turnouts were safe.

15 18. Plaintiff Matthew O’Keefe (“Matt”) has served as a firefighter since 2018. He
16 began his firefighting career as a volunteer with the Clark County Rural Division and has served
17 in a full-time capacity with Las Vegas Fire and Rescue since September of 2019.

18 19. Matt was frequently exposed to PFAS contained in the fabric of his required
19 protective turnout clothing.

20 20. Matt wore and used his turnout gear in the ordinary course of his job duties, as the
21 turnouts were intended to be used, and in a foreseeable manner, exposing him to significant levels
22 of PFAS.

23 21. Matt did not know, and could not have known with the exercise of reasonable
24 diligence, that the turnouts he wore in the course of his duties contained PFAS or PFAS containing
25 materials.

26 22. Matt did not know, and could not have known with the exercise of reasonable
27 diligence, that he was routinely exposed to PFAS from the turnouts he wore in the course of his
28 duties.

1 23. Matt was also exposed to significant levels of PFAS through the use of Class B
2 foams in the course of his duties.

3 24. Matt worked with firefighting foam regularly throughout his career with Las Vegas
4 Fire and Rescue. He was also routinely exposed to firefighting foam while training as a volunteer
5 firefighter.

6 25. Matt was exposed to PFAS through inhalation, ingestion, and skin contact during
7 the preparation and use of Class B foams.

8 26. Matt used Class B foams in the ordinary course of his job duties, as the foams were
9 intended to be used, and in a foreseeable manner.

10 27. Matt did not know, and could not have known with the exercise of reasonable
11 diligence, that the Class B foams he used and were exposed to in the course of his duties contained
12 PFAS.

13 28. Matt did not know, and could not have known with the exercise of reasonable
14 diligence, that he was routinely exposed to PFAS from the Class B foams he used and was exposed
15 to in the course of his duties.

16 29. Defendants' PFAS containing products were used by Matt in their intended
17 manner, without significant change in the products' conditions.

18 30. Matt was unaware of the dangerous properties of Defendants' Class B foams and
19 turnouts. Matt relied on the Defendants' representations and instructions as to the handling and
20 use of their Class B foams and turnouts.

21 31. At all times relevant to this Complaint, Defendants represented that their Class B
22 foams and turnout gear were safe.

23 32. Matt's exposure to PFAS from Defendants' Class B foams and turnout products
24 caused him to develop serious, life-threatening medical conditions, as alleged herein.

25 33. Matt's exposure to PFAS or PFAS-containing materials will continue to pose a
26 significant health threat into the foreseeable future due to the ongoing presence of the PFAS
27 forever chemicals within his body.
28

1 34. Due to Matt's injuries, caused by Defendants, Matt's wife Maria Celeste Mattiello
2 has suffered a permanent loss of consortium, disruption, and harm in her marriage, as alleged
3 further herein.

4 35. Plaintiffs seek to recover compensatory and punitive damages to recover for the
5 injuries they sustained as a direct result of Matt's exposure to Defendants' Class B foam and
6 turnout products during the course of his firefighting training and career.

7 36. Matt further seeks injunctive, equitable, and declaratory relief.

8 **II. JURISDICTION AND VENUE**

9 37. This Court has diversity jurisdiction over this action under 28 U.S.C. §1332(a)(1)
10 because Plaintiffs and Defendants are citizens of different states and the amount of controversy
11 exceeds \$75,000.00, excluding interest and costs.

12 38. Venue is proper in the District of Nevada under 28 U.S.C. §1391(b)(2) because it
13 is a substantial part of the events or omissions giving rise to the claims occurred in the State of
14 Nevada and Defendants conduct business within Nevada.

15 **III. PARTIES**

16 **A. Plaintiffs**

17 39. Matthew O'Keefe is a resident of this District in the County of Clark, State of
18 Nevada, wherein he sustained the injuries alleged herein.

19 40. Matt regularly used Defendants' Class B foams and turnout gear in training for and
20 extinguishing fires, and was thereby exposed to PFAS and PFAS-containing materials contained
21 therein.

22 41. Matt's exposure to PFAS and PFAS-containing materials within Defendants'
23 products caused and/or contributed to his illness and injuries alleged herein.

24 42. Plaintiff Maria Celeste Mattiello ("Celeste") is a resident of this District in the
25 County of Clark, State of Nevada, and is Matt's lawful wife.

26 43. Celeste brings a derivative claim for loss of consortium related to and arising from
27 her husband's injuries alleged herein.
28

B. Defendants

44. Defendant 3M Company (a/k/a Minnesota Mining and Manufacturing Company) (“3M”) is a Delaware corporation with its principal place of business in St. Paul, Minnesota. 3M does business throughout the United States, including in Nevada. 3M developed, manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

45. Defendant 3M Chemical Operations LLC is a Delaware corporation with its principal place of business in St. Paul, Minnesota. 3M Chemical Operations LLC developed, manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

46. Defendant AGC Chemicals Americas, Inc. (“AGC”) is a Delaware corporation with its principal place of business in Exton, Pennsylvania. AGC does business throughout the United States, including in Nevada. AGC developed, manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

47. Defendant Amerex Corporation (a/k/a Alabama Amerex Corporation) (“Amerex”) is an Alabama corporation with its principal place of business in Trussville, Alabama. Amerex does business throughout the United States, including in Nevada. Amerex developed, manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

48. Defendant The Ansul Company (“Ansul”) is a Wisconsin corporation with its principal place of business in Marinette, Wisconsin. Ansul does business throughout the United States, including in Nevada. Ansul developed, manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

1 49. Defendant Archroma U.S., Inc. (“Archroma”) is a North Carolina corporation with
2 its principal place of business in Charlotte, North Carolina. Archroma does business throughout
3 the United States, including in Nevada. Archroma developed, manufactured, marketed,
4 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in
5 turnouts and/or firefighting foams throughout the United States, including in Nevada.

6 50. Defendant Arkema, Inc. (“Arkema”) is a Pennsylvania corporation with its
7 principal place of business in King of Prussia, Pennsylvania. Arkema does business throughout
8 the United States, including in Nevada. Arkema developed, manufactured, marketed, distributed,
9 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
10 and/or firefighting foams throughout the United States, including in Nevada.

11 51. Defendant Asahi Kasei Plastics America, Inc. (“Asahi Kasei”) is a Delaware
12 corporation with its principal place of business in Plymouth, Michigan. Asahi Kasei does business
13 throughout the United States, including in Nevada. Asahi Kasei developed, manufactured,
14 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
15 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

16 52. Defendant BASF Corporation (“BASF”) is a Delaware corporation with its
17 principal place of business in Florham Park, New Jersey. BASF does business throughout the
18 United States, including in Nevada. BASF developed, manufactured, marketed, distributed,
19 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
20 and/or firefighting foams throughout the United States, including in Nevada.

21 53. Defendant Buckeye Fire Equipment Company (“Buckeye”) is a North Carolina
22 corporation with its principal place of business in Kings Mountain, North Carolina. Buckeye does
23 business throughout the United States, including in Nevada. Buckeye developed, manufactured,
24 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
25 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

26 54. Defendant Carrier Fire & Security Americas, LLC (f/k/a UTC Fire & Security
27 Americas Corporation, Inc.) (“Carrier Fire”) is a Delaware corporation with its principal place of
28 business in Palm Beach Gardens, Florida. Carrier Fire does business throughout the United States,

1 including in Nevada. Carrier Fire developed, manufactured, marketed, distributed, released, sold,
2 and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting
3 foams throughout the United States, including in Nevada.

4 55. Defendant Carrier Fire & Security Corporation is a Delaware corporation with its
5 principal place of business in Palm Beach Gardens, Florida. Carrier Fire & Security Corporation
6 does business throughout the United States, including in Nevada. Carrier Fire & Security
7 Corporation developed, manufactured, marketed, distributed, released, sold, and/or used PFAS,
8 PFAS materials, and products containing PFAS in turnouts and/or firefighting foams throughout
9 the United States, including in Nevada.

10 56. Defendant Carrier Global Corporation (“Carrier”) is a Delaware corporation with
11 its principal place of business in Palm Beach Gardens, Florida. Carrier does business throughout
12 the United States, including in Nevada. Carrier developed, manufactured, marketed, distributed,
13 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
14 and/or firefighting foams throughout the United States, including in Nevada.

15 57. Defendant ChemDesign Products, Inc. (“ChemDesign”) is a Texas corporation
16 with its principal place of business in Marinette, Wisconsin. ChemDesign does business
17 throughout the United States, including in Nevada. ChemDesign developed, manufactured,
18 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
19 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

20 58. Defendant Chemguard, Inc. (“Chemguard”) is a Texas corporation with its
21 principal place of business in Marinette, Wisconsin. Chemguard does business throughout the
22 United States, including in Nevada. Chemguard developed, manufactured, marketed, distributed,
23 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
24 and/or firefighting foams throughout the United States, including in Nevada.

25 59. Defendant Chemicals Incorporated is a Texas corporation with its principal place
26 of business in Baytown, Texas. Chemicals Incorporated does business throughout the United
27 States, including in Nevada. Chemicals Incorporated developed, manufactured, marketed,
28

1 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in
2 turnouts and/or firefighting foams throughout the United States, including in Nevada.

3 60. Defendant The Chemours Company (“Chemours”) is a Delaware corporation with
4 its principal place of business in Wilmington, Delaware. Chemours does business throughout the
5 United States, including in Nevada. Chemours developed, manufactured, marketed, distributed,
6 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
7 and/or firefighting foams throughout the United States, including in Nevada.

8 61. Defendant Clariant Corporation (“Clariant”) is a New York corporation with its
9 principal place of business in Charlotte, North Carolina. Clariant does business throughout the
10 United States, including in Nevada. Clariant developed, manufactured, marketed, distributed,
11 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
12 and/or firefighting foams throughout the United States, including in Nevada.

13 62. Defendant Corteva, Inc. (“Corteva”) is a Delaware corporation with its principal
14 place of business in Wilmington, Delaware. Corteva does business throughout the United States,
15 including in Nevada. Corteva developed, manufactured, marketed, distributed, released, sold,
16 and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting
17 foams throughout the United States, including in Nevada.

18 63. Defendant Deepwater Chemicals, Inc. (“Deepwater”) is a Delaware corporation
19 with its principal place of business in Woodward, Oklahoma. Deepwater does business throughout
20 the United States, including in Nevada. Deepwater developed, manufactured, marketed,
21 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in
22 turnouts and/or firefighting foams throughout the United States, including in Nevada.

23 64. Defendant DuPont de Nemours Inc. (f/k/a DowDuPont, Inc.) (“DowDuPont”) is a
24 Delaware corporation with its principal place of business in Wilmington, Delaware. DowDuPont
25 does business throughout the United States, including in Nevada. DowDuPont was created in 2015
26 to transfer Chemours and DuPont liabilities for manufacturing and distributing fluorosurfactants to
27 AFFF manufacturers. DowDuPont developed, manufactured, marketed, distributed, released, sold,
28

1 and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting
2 foams throughout the United States, including in Nevada.

3 65. Defendant Dynax Corporation (“Dynax”) is a New York corporation with its
4 principal place of business in Pound Ridge, New York. Dynax does business throughout the United
5 States, including in Nevada. Dynax developed, manufactured, marketed, distributed, released,
6 sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or
7 firefighting foams throughout the United States, including in Nevada.

8 66. Defendant EIDP, Inc. f/k/a E.I. Du Pont de Nemours and Co. (“DuPont”) is a
9 Delaware corporation with its principal place of business in Wilmington, Delaware. DuPont does
10 business throughout the United States, including in Nevada. DuPont developed, manufactured,
11 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
12 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

13 67. Defendant Fire-Dex, Inc. is an Ohio corporation with its principal place of business
14 in Cleaveland, Ohio. Fire-Dex, Inc. does business throughout the United States, including in
15 Nevada. Fire-Dex, Inc. developed, manufactured, marketed, distributed, released, sold, and/or
16 used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting foams
17 throughout the United States, including in Nevada.

18 68. Defendant Fire-Dex, LLC is an Ohio corporation with its principal place of
19 business in Medina, Ohio. Fire-Dex, LLC does business throughout the United States, including
20 in Nevada. Fire-Dex, LLC developed, manufactured, marketed, distributed, released, sold, and/or
21 used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting foams
22 throughout the United States, including in Nevada.

23 69. Defendant Globe Manufacturing Company, LLC (“Globe”) is a New Hampshire
24 corporation with its principal place of business in Pittsfield, New Hampshire. Globe does business
25 throughout the United States, including in Nevada. Globe developed, manufactured, marketed,
26 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in
27 turnouts and/or firefighting foams throughout the United States, including in Nevada. Defendant
28

1 MSA Safety, Incorporated acquired Glob Holding Company, LLC and its subsidiaries
2 (collectively “MSA/Globe”) in 2017 and continues to do business under the Globe name.

3 70. Defendant Honeywell Safety Products USA, Inc. (“Honeywell”) is a Delaware
4 corporation with its principal place of business in Charlotte, North Carolina. Honeywell does
5 business throughout the United States, including in Nevada. Honeywell developed, manufactured,
6 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
7 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

8 71. Defendant Johnson Controls, Inc. (“Johnson Controls”) is a Delaware corporation
9 with its principal place of business in Milwaukee, Wisconsin. Johnson Controls does business
10 throughout the United States, including in Nevada. Johnson Controls developed, manufactured,
11 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
12 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

13 72. Defendant Johnson Controls Fire Protection LP f/k/a Johnson Controls Fire
14 Protection Limited Partnership (“Johnson Controls Fire Protection”) is a Delaware corporation
15 with its principal place of business in Boca Raton, Florida. Johnson Controls Fire Protection does
16 business throughout the United States, including in Nevada. Johnson Controls Fire Protection
17 developed, manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS
18 materials, and products containing PFAS in turnouts and/or firefighting foams throughout the
19 United States, including in Nevada.

20 73. Defendant Kidde-Fenwal, Inc. (“Kidde-Fenwal”) is a Delaware corporation with
21 its principal place of business in Ashland, Massachusetts. Kidde-Fenwal does business throughout
22 the United States, including in Nevada. Kidde-Fenwal is the successor-in-interest to Kidde Fire
23 Fighting, Inc. (f/k/a Chubb National Foam, Inc. f/k/a National Foam System, Inc.) (collectively,
24 “Kidde/Kidde Fire”). Kidde-Fenwal developed, manufactured, marketed, distributed, released,
25 sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or
26 firefighting foams throughout the United States, including in Nevada.

27 74. Defendant Kidde PLC Inc. is a Delaware corporation with its principal place of
28 business in Palm Beach Gardens, Florida. Kidde PLC Inc does business throughout the United

1 States, including in Nevada. Kidde PLC Inc. developed, manufactured, marketed, distributed,
2 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
3 and/or firefighting foams throughout the United States, including in Nevada.

4 75. Defendant Lion Group, Inc. (“LGI”) is an Ohio corporation with its principal place
5 of business in Dayton, Ohio. LGI does business throughout the United States, including in Nevada.
6 LGI developed, manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS
7 materials, and products containing PFAS in turnouts and/or firefighting foams throughout the
8 United States, including in Nevada.

9 76. Defendant Mine Safety Appliances Company, LLC (“Mine Safety Appliances”) is
10 a Pennsylvania corporation with its principal place of business in Cranberry Township,
11 Pennsylvania. Mine Safety Appliances does business throughout the United States, including in
12 Nevada. Mine Safety Appliances developed, manufactured, marketed, distributed, released, sold,
13 and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting
14 foams throughout the United States, including in Nevada.

15 77. Defendant MSA Safety Incorporated (“MSA”) is a Pennsylvania corporation with
16 its principal place of business in Cranberry Township, Pennsylvania. MSA does business
17 throughout the United States, including in Nevada. MSA developed, manufactured, marketed,
18 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in
19 turnouts and/or firefighting foams throughout the United States, including in Nevada.

20 78. Defendant Narcote LLC d/b/a Stedfast USA (“Stedfast”) is a Delaware corporation
21 with its principal place of business in Piney Flats, Tennessee. StedFast does business throughout
22 the United States, including in Nevada. StedFast developed, manufactured, marketed, distributed,
23 released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts
24 and/or firefighting foams throughout the United States, including in Nevada.

25 79. Defendant National Foam, Inc. (“National Foam”) is a Pennsylvania corporation
26 with its principal place of business in West Chester, Pennsylvania. National Foam does business
27 throughout the United States, including in Nevada. National Foam developed, manufactured,
28

1 marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and products containing
2 PFAS in turnouts and/or firefighting foams throughout the United States, including in Nevada.

3 80. Defendant Nation Ford Chemical Company (“Nation Ford”) is a South Carolina
4 corporation with its principal place of business in Fort Mill, South Carolina. Nation Ford does
5 business throughout the United States, including in Nevada. Nation Ford MSA developed,
6 manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and
7 products containing PFAS in turnouts and/or firefighting foams throughout the United States,
8 including in Nevada.

9 81. Defendant PBI Performance Products, Inc. (“PBI”) is a Delaware corporation with
10 its principal place of business in Charlotte, North Carolina. PBI does business throughout the
11 United States, including in Nevada. PBI developed, manufactured, marketed, distributed, released,
12 sold, and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or
13 firefighting foams throughout the United States, including in Nevada.

14 82. Defendant Southern Mills, Inc. (d/b/a Ten Cate Protective Fabrics USA)
15 (“Tencate”) is a Georgia corporation with its principal place of business in Senoia, Georgia.
16 Tencate does business throughout the United States, including in Nevada. Tencate developed,
17 manufactured, marketed, distributed, released, sold, and/or used PFAS, PFAS materials, and
18 products containing PFAS in turnouts and/or firefighting foams throughout the United States,
19 including in Nevada.

20 83. Defendant Tyco Fire Products, Limited Partnership (“Tyco”) is a Delaware
21 corporation with its principal place of business in Exeter, New Hampshire. Tyco does business
22 throughout the United States, including in Nevada. Tyco developed, manufactured, marketed,
23 distributed, released, sold, and/or used PFAS, PFAS materials, and products containing PFAS in
24 turnouts and/or firefighting foams throughout the United States, including in Nevada.

25 84. Defendant RTX Corporation f/k/a United Technologies Corporation (“United
26 Technologies”) is a Delaware corporation with its principal place of business in Farmington,
27 Connecticut. United Technologies does business throughout the United States, including in
28 Nevada. United Technologies developed, manufactured, marketed, distributed, released, sold,

1 and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting
2 foams throughout the United States, including in Nevada.

3 85. Defendant W.L. Gore & Associates, Inc. (“Gore”) is a Delaware corporation with
4 its principal place of business in Newark, Delaware. Gore does business throughout the United
5 States, including in Nevada. Gore developed, manufactured, marketed, distributed, released, sold,
6 and/or used PFAS, PFAS materials, and products containing PFAS in turnouts and/or firefighting
7 foams throughout the United States, including in Nevada.

8 86. The true names and capacities, whether individual, corporate, association or
9 otherwise of Defendants DOES 1 through 20 and ROE CORPORATIONS 1 through 20, inclusive,
10 are unknown to Plaintiffs, who therefore sue said Defendants by such fictitious names. Plaintiffs
11 are informed and believe, and thereupon allege, that each of the Defendants designated herein as
12 DOES and/or ROES are responsible in some manner for the events and happenings herein referred
13 to, and in some manner caused the injuries and damages proximately thereby to Plaintiffs, as
14 alleged herein; that Plaintiffs will ask leave of this Court to amend this Complaint to insert the true
15 names and capacities of said Defendants, DOES 1 through 20 and/or ROE CORPORATIONS 1
16 through 20, inclusive, when the same have been ascertained by Plaintiffs, together with the
17 appropriate charging allegations, and to join such Defendants in this action.

18 IV. FACTUAL ALLEGATIONS

19 A. Matt’s Exposure to PFAS-Containing Products.

20 87. Matt began his career as a firefighter as a volunteer with the Clark County Rural
21 Division in January of 2018. He has served as a full-time firefighter with Las Vegas Fire and
22 Rescue since September of 2019.

23 88. As a firefighter, Matt responded to fires, medical emergencies, and rescue calls. To
24 prepare for his essential and challenging work, Matt received extensive training in the preparation
25 and use of Class B foam, and in the use of protective turnout gear.

26 89. Matt worked with firefighting foam regularly throughout his career with the Clark
27 County and Las Vegas Fire departments. He was routinely exposed to firefighting foam during
28 training and when responding to fires.

1 90. Matt was also frequently exposed to PFAS contained in the fabric of his required
2 protective turnout clothing which he wore routinely and as instructed.

3 91. In 2019, Matt was diagnosed with testicular cancer as a result of exposure to PFAS
4 contained in Defendants' firefighting foam and turnouts.

5 92. Matt's exposure to PFAS contained in Defendants' firefighting foam and turnouts
6 was a substantial factor, and the proximate cause, of his cancer and related injuries, as alleged
7 herein.

8 93. As a result of his cancer diagnosis, Matt underwent surgical excision of his left
9 testicle (orchidectomy) in October of 2019. The procedure was extremely painful and left Matt
10 with a loss of sensation in the left-side pelvic/groin area.

11 94. During the orchidectomy, it was discovered that Matt's cancer had spread to the
12 lymph nodes/lung area and Matt was required to undergo chemotherapy.

13 95. Due to the size of the cancerous tumor, Matt's prognosis was bleak. At the time,
14 his doctors informed him that he only had six months to live. Accordingly, the doctors took an
15 extremely aggressive approach to Matt's chemotherapy which occurred three times a week
16 between November 2019 and January 2020.

17 96. The aggressive chemotherapy wrought havoc on Matt's body. His hair fell out, his
18 face became swollen, and he often appeared jaundiced. Nevertheless, Matt continued his
19 employment with the fire department throughout the duration of his chemotherapy. He was certain
20 that he would surely die if he stopped working because he would be unable to cover the cost of his
21 medical treatment.

22 97. Although initial indicators are that the chemotherapy was successful, Matt
23 continues to suffer from multiple residual symptoms. As a result of the chemotherapy, Matt now
24 lives with tinnitus, which causes a constant and unrelenting ringing in his ears. Matt lives in a
25 constant state of irritation because the ringing does not stop, and he has lost his ability to hear
26 normally.

27

28

1 98. As a further result of the chemotherapy, Matt now suffers from Raynaud's
2 syndrome, a disorder that causes excessive constriction and decreased blood flow in Matt's
3 arteries.

4 99. The damage to Matt's blood vessels caused by chemotherapy also resulted in
5 increased blood pressure and cholesterol levels. As a result, Matt is now at heightened risk for
6 heart attack and stroke.

7 100. Matt's cancer treatment has also left him with cognitive impairment, decreased
8 sensation in his lower extremities, and decreased testosterone levels.

9 101. Matt's mental health has also been adversely impacted as he and his family now
10 must live with the constant worry that his cancer will return and/or continue to spread.

11 102. The effects of Matt's cancer treatment have significantly adversely altered almost
12 every aspect of his daily life.

13 **B. Defendants' History of Manufacturing and Selling Toxic Products**

14 **i. Defendants History of Manufacturing and Selling Toxic Firefighting Foam**

15 103. 3M developed AFFF, a Class B firefighting foam, in the 1960s. 3M manufactured,
16 marketed, and sold Class B firefighting foam from the 1960s to the early 2000s.

17 104. National Foam and Tyco/Ansul manufactured, marketed, and sold Class B
18 firefighting foam beginning in the 1970s.

19 105. Chemguard and Dynax manufactured, marketed, and sold Class B firefighting foam
20 beginning in the 1990s.

21 106. Buckeye manufactured, marketed, and sold Class B firefighting foam beginning in
22 the 2000s.

23 107. In 2000, 3M announced it would phase out its production of Class B foam;
24 however, 3M did not recall its Class B foam which it knew was being stockpiled and used by
25 firehouses throughout the country.

26 108. Defendants, including 3M, knew their customers warehoused large stockpiles of
27 Class B foam. Even after Defendants fully understood the toxicity of PFAS, and the risks to human
28

1 health resulting from exposure, Defendants concealed those facts from consumers and never
2 informed their customers that Class B foam was unsafe or that it contained PFAS, and/or PFAS
3 precursors.

4 109. Even after Defendants fully understood the toxicity of PFAS, and the risks to
5 human health resulting from exposure, Defendants continued to publicly claim that these products
6 were safe. Further, Defendants concealed and/or suppressed information regarding the potential
7 harms associated with PFAS, and proliferated industry funded research to support their claims that
8 the products were safe.

9 **ii. Defendants' History of Manufacturing and Selling Toxic Turnout Gear**

10 110. MSA/Globe began manufacturing, marketing, and selling turnout gear with
11 DuPont's PFAS-containing flame resistant fabric in 1966 and continues to manufacture, market
12 and sell turnout gear using PFAS-containing fabrics supplied by DuPont, Gore, Tencate, and PBI.

13 111. Lion began manufacturing, marketing, and selling turnout gear in 1970, and
14 continues to manufacture, market and sell turnout gear using PFAS-containing fabrics, including
15 material supplied by Defendants DuPont and Gore.

16 112. In 2015, DuPont spun-off its PFAS chemicals business to Defendant Chemours.

17 113. Honeywell began manufacturing and selling turnout gear in 2008. One of the
18 leading manufactures of turnouts, Honeywell manufactures, markets and sells turnout gear using
19 PFAS-containing fabrics, supplied by Defendants DuPont, Gore, PBI and StedFast.

20 **C. Defendants Knowingly Misrepresented the Safety of Their Products and Failed to Warn**
21 **Plaintiff of the Dangers Associated with Exposure to PFAS.**

22 114. Despite knowing the toxic nature of PFAS, and the significant ongoing risk to
23 human health caused by exposure to these substances, Defendants did not notify or warn
24 firefighters or the public that their turnouts and Class B foam contained PFAS, or that exposure to
25 PFAS could result in serious health risks.

1 115. The packaging on Defendants' Class B foam containers contained no warnings that
2 the foam contained PFAS or that harmful human exposure could occur when handled and used as
3 intended.

4 116. The PFAS containing turnouts manufactured, marketed, distributed and/or sold by
5 Defendants, and used by Matt during his firefighting career, contained no warnings that the
6 turnouts contained PFAS or that exposure to PFAS and PFAS containing materials could occur,
7 resulting in serious harm to human health, when the turnouts were handled and used as intended.

8 117. Defendants' Material Safety Data Sheets did not warn about PFAS or PFAS
9 exposure and falsely stated that the materials within Class B foams were not known carcinogens.

10 118. Defendants' failure to warn about the hazards of exposure to PFAS, or turnouts and
11 Class B foams made with or containing PFAS continue to this day.

12 119. Further, to this day, Defendants continue to make false claims and material
13 misrepresentations concerning the hazards of exposure to PFAS or products made with or
14 containing PFAS.

15 120. For example, in 2019, Defendant MSA/Globe issued a public statement suggesting
16 that its turnout gear was safe for use as intended because it supposedly met or exceeded all
17 applicable industry standards.

18 121. Similarly, in 2019, Defendant Lion issued a public statement suggesting that its
19 turnout gear was safe for use as intended when properly maintained. Lion's statement indicated
20 that it does not use two specifically identified PFAS chemicals in its turnout gear; however, Lion
21 failed to note that other PFAS chemicals were still present in the gear.

22 122. Defendants have all individually, either directly or through intermediaries, issued
23 statements misrepresenting the safety of their PFAS containing products.

24 123. Defendants, through their acts and omissions, controlled and influenced the
25 information that was made publicly available regarding the health and safety concerns of human
26 exposure to PFAS and PFAS-containing materials to minimize or discount those concerns.

27 124. At all times relevant to this Complaint, Defendants, through their acts and
28 omissions, concealed or withheld information from consumers, governmental agencies, and the

1 public which, if made known, would have provided notice to firefighters, including Matt, of the
2 risks of exposure to PFAS and the links between exposure and adverse health effects.

3 125. As a result of Defendants' false claims, misrepresentations, and omissions, Matt
4 did not know, and could not have known in the exercise of reasonable diligence, that he was
5 exposed to PFAS and/or PFAS-containing materials through the use of Defendants' turnouts and
6 Class B foams, causing serious illness as alleged herein.

7 **V. STATUTES OF LIMITATIONS ARE TOLLED**

8 126. Plaintiffs incorporate by reference all prior paragraphs of this complaint as though
9 fully set forth herein.

10 127. Matt has diligently pursued and investigated the claims alleged in this Complaint.
11 Through no fault of his own Matt did not learn, and could not have learned, the factual bases for
12 his claims or the injuries suffered therefrom until recently. Consequently, the following tolling
13 doctrines apply.

14 **A. Discovery Rule**

15 128. Matt could not have discovered through the exercise of reasonable diligence that
16 Defendants' conduct, as alleged in this Complaint, would result in the harms alleged within the
17 time for all applicable statutes of limitations.

18 129. Among other things, Matt could not have known or appreciated the toxicity,
19 persistence, and bioaccumulation of PFAS and PFAS-containing materials contained in Class B
20 foam and turnout gear.

21 130. Defendants had superior and/or exclusive knowledge of the toxicity, persistence,
22 and bioaccumulation of PFAS and PFAS-containing materials, knowledge which they kept from
23 the public for decades.

24 131. Defendants knew, or should have known, that use of PFAS and PFAS-containing
25 materials, including Class B foam and turnout gear, was linked to increased risk of serious illness,
26 including cancer, and that this information was material to firefighters such as Matt.

27 132. Nevertheless, Defendants intentionally concealed this information from fire
28 departments, governmental oversight and enforcement agencies, and firefighters, including Matt.

1 133. Defendants knowingly misrepresented to firefighters, including Matt, that PFAS,
2 PFAS-containing turnouts, and Class B foam were safe and non-toxic.

3 134. Indeed, Defendants have repeatedly asserted that there is no basis to question the
4 safety of their equipment because it meets industry required standards. However, Defendants
5 failed to disclose that they worked to establish those industry standards based on incomplete and/or
6 inaccurate information.

7 135. As a result, Matt could not have reasonably discovered that his body had
8 accumulated toxic PFAS in his blood from his use of PFAS-containing materials in Class B foam
9 and/or turnouts, or that those PFAS were a substantial cause of his cancer, within the time of all
10 applicable statutes of limitation.

11 136. The causes of action alleged herein did not accrue until Matt discovered the toxic
12 bioaccumulation associated with his use of Defendants' PFAS and/or PFAS-containing materials
13 in Class B foam and/or turnouts.

14 137. For these reasons, the discovery rule tolls all applicable statutes of limitations.

15 **B. Equitable Estoppel**

16 138. Defendants are equitably estopped from relying upon a statute of limitations
17 defense because they undertook efforts to purposefully conceal the fact that their products were
18 unsafe and/or continuously denied and concealed information linking those products to the injuries
19 alleged by Matt.

20 139. Defendants have continuously misrepresented the safety of PFAS and PFAS-
21 containing materials. To this day, Defendants continue to make knowingly false assertions that
22 their PFAS-containing products, including Class B foam and turnouts, are safe and non-toxic.

23 140. Considering the harm that Defendants knew would result from exposure to PFAS
24 and PFAS-containing materials, Defendants were under a continuous duty to disclose the true
25 character, quality, and nature of those materials. Based upon the foregoing, Defendants are
26 estopped from relying on any statutes of limitation in defense of this action.

27
28 . . .

1 **C. Intentional Concealment**

2 141. Alternatively, Plaintiffs' claims are subject to equitable tolling, stemming from
3 Defendants' knowingly and intentionally concealing the facts alleged herein. Defendants knew of
4 the hazardous nature of PFAS and PFAS-containing materials, had material information pertinent
5 to the discovery of those hazards, and concealed them from Plaintiffs and the public. As a result
6 of Defendants' conduct, Matt did not know, and could not have known through the exercise of
7 reasonable diligence, of his causes of action.

8 142. Defendants undertook to purposefully conceal their tortious conduct by
9 manipulating and distorting public information, knowledge, and facts; failing to make public or
10 otherwise produce nonpublic information, over which Defendants had exclusive possession,
11 dominion, and control, which would have revealed the truth; and by deliberately and intentionally
12 concealing the truth.

13 143. Defendants had in their possession and control information that PFAS and PFAS-
14 containing materials, including their Class B foam and turnout products, were toxic and
15 carcinogenic.

16 144. Defendants were aware of the falsity of their misrepresentations.

17 145. Defendants intended that their false statements and omissions be relied upon.

18 146. Defendants cannot claim prejudice due to a late filing because this suit was filed
19 upon discovering the facts essential to the Plaintiffs' claims.

20 147. Thus, the running of all applicable statutes of limitation has been suspended with
21 respect to any claims that Plaintiffs have sustained by virtue of the discovery rule doctrine,
22 estoppel, and the intentional concealment doctrine.

23 **VI. LEGAL CAUSES OF ACTION**

24 **FIRST CAUSE OF ACTION**

25 **Strict Products Liability – Dangerously Defective Product**

26 148. Plaintiffs repeat and reallege each and every allegation set forth in this Complaint,
27 as though the same were fully set forth herein.
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1 149. At all times mentioned herein, Defendants, their predecessors-in-interest and/or
2 their alter-egos and/or entities they have acquired, were engaged in the business of designing,
3 developing, manufacturing, marketing, promoting, distributing, and/or selling PFAS-containing
4 Class B foams and/or turnouts.

5 150. Defendants' PFAS-containing Class B foams and/or turnouts were defectively
6 designed by Defendants.

7 151. Defendants' PFAS-containing Class B foams and/or turnouts were provided to
8 Matt in their original intended format, without any warnings with regard to the hazardous nature
9 of the products.

10 152. Matt used Defendants' PFAS-containing Class B foams and turnouts as intended.
11 Defendants knew, or should have known, that Matt would use those products without knowledge
12 of the fact that they contained PFAS, without knowledge of the fact that he would be exposed to
13 PFAS through their use, and without the ability to inspect for latent defects within the products.

14 153. Defendants' PFAS-containing Class B foams and/or turnouts were defective and
15 unsafe for their intended use due to design, manufacturing, production, and/or distribution defects.
16 When used in a manner that was reasonably foreseeable by Defendants, Defendants' products
17 failed to perform in a reasonably safe manner that an ordinary consumer would expect.

18 154. The PFAS-containing Class B foams and turnouts that were designed,
19 manufactured, marketed, distributed and/or sold by Defendants were hazardous to human health;
20 therefore, Defendants' actions in manufacturing, marketing, distributing, and/or selling the
21 products were unreasonably dangerous.

22 155. Defendants did not include adequate warning to users, which made their PFAS-
23 containing Class B foams and turnouts unsafe for their intended use. The defects in Defendants'
24 products cause toxic PFAS to be released and accumulated in the bodies of users exposed to the
25 products.

26 156. Defendants failed to warn the public and consumers of the defect or the dangers in
27 the foreseeable use of their Class B foams and/or turnouts.
28

1 157. Defendants' PFAS-containing Class B foams and turnouts were defective when
2 they left Defendants' possession, before being introduced into the stream of commerce by
3 Defendants.

4 158. Defendants' inherently dangerous product features are not necessary to consumers.
5 Defendants could have designed, manufactured, supplied and/or distributed alternative designs or
6 formulations that were safer and that did not contain PFAS. The benefits of changing Defendants'
7 Class B foams and turnouts to make them safer for use are high and outweigh the costs.

8 159. Defendants' PFAS-containing foams and turnouts presented a substantial and
9 unreasonable risk of serious injury to consumers. The dangers associated with Defendants' use of
10 PFAS in their Class B foams and turnouts outweigh the benefits of its use.

11 160. As a direct and proximate cause of Defendants' defective Class B foams and
12 turnouts, Kaylie has been deprived of the right to a continued relationship and the right to enjoy
13 Matt's continued love, comfort, companionship and society, all of which are damages recoverable
14 by Kaylie in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

15 161. As a direct and proximate cause of Defendants' defective Class B foams and
16 turnouts, Matt suffered severe personal injuries including pain and suffering and emotional
17 distress, all of which are damages recoverable by Matt in an amount in excess of Seventy-Five
18 Thousand Dollars (\$75,000.00).

19 162. As a direct and proximate cause of Defendants' defective Class B foams and
20 turnouts, Matt is entitled to recover damages for the pain, suffering, anxiety, disability, emotional
21 distress, physical injuries and medical treatment, both past and future, all of which are damages
22 recoverable by Matt in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

23 163. As a direct and proximate cause of Defendants' defective Class B foams and
24 turnouts, Matt suffered a loss of enjoyment of life, all of which are damages recoverable by Matt
25 in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

26 164. As a direct and proximate cause of Defendants' defective Class B foams and
27 turnouts, Matt now has limited occupational and recreational capacity, which has caused and will
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1 continue to cause a loss of wages and loss of future earning capacity, which are damages
2 recoverable by Matt in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

3 165. Defendants' conduct demonstrated a conscious disregard of known accepted
4 procedures, standards and/or protocols, all with the knowledge or utter disregard that such conduct
5 could or would cause serious injury or death to consumers and/or users of their products.

6 166. Defendants' actions were conducted in an oppressive, malicious, despicable, gross
7 and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for
8 Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

9 167. As a direct and Proximate result of Defendants' conduct, Plaintiffs are entitled to
10 punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

11 168. Plaintiffs have been forced to retain the services of an attorney to represent them in
12 this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

13 **SECOND CAUSE OF ACTION**

14 **Strict Products Liability - Failure to Warn/Inadequate Warning**

15 169. Plaintiffs repeat and reallege each and every allegation set forth in this Complaint,
16 as though the same were fully set forth herein.

17 170. At all times mentioned herein, Defendants, their predecessors-in-interest and/or
18 their alter-egos and/or entities they have acquired, were engaged in the business of designing,
19 developing, manufacturing, marketing, promoting, distributing, and/or selling PFAS-containing
20 Class B foams and/or turnouts.

21 171. At all times mentioned herein, Defendants' provided their PFAS-containing Class
22 B foams and/or turnouts to consumers with no adequate warnings with regard to the risk that the
23 foreseeable use of their PFAS-containing products would result in the contamination and
24 bioaccumulation of the user's body.

25 172. At all times mentioned herein, Defendants did not adequately warn firefighters or
26 other users of the potential adverse health effects which could occur as a result of PFAS exposure
27 resulting from the foreseeable use of their PFAS-containing products.

28

1 173. At the time that Matt used Defendants' PFAS-containing Class B foams and
2 turnouts, there were no adequate warnings that would reasonably catch his attention with regard
3 to the risks of harm described herein.

4 174. At the time that Matt used Defendants' PFAS-containing Class B foams and
5 turnouts, there were no adequate warnings in a comprehensible language so as to give a fair
6 indication of the risks of the use of those products.

7 175. At the time that Matt used Defendants' PFAS-containing Class B foams and
8 turnouts, there were no adequate warnings of sufficient intensity justified by the magnitude of the
9 risk of their use.

10 176. Defendants knew that consumers would use their PFAS-containing Class B foams
11 and turnouts in the same manner as Matt did.

12 177. As a direct and proximate cause of Defendants' failure to warn of the risks of the
13 use of their PFAS-containing Class B foams and turnouts, Matt suffered severe personal injuries
14 including pain and suffering and emotional distress, all of which are damages recoverable by Matt
15 in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

16 178. As a direct and proximate cause of Defendants' failure to warn of the risks of the
17 use of their PFAS-containing Class B foams and turnouts, Kaylie has been deprived of the right to
18 a continued relationship and the right to enjoy Matt's continued love, comfort, companionship and
19 society, all of which are damages recoverable by Kaylie in an amount in excess of Seventy-Five
20 Thousand Dollars (\$75,000.00).

21 179. As a direct and proximate cause of the conduct of Defendants, Matt is entitled to
22 recover damages for the pain, suffering, anxiety, disability, emotional distress, physical injuries
23 and medical treatment, both past and future, all of which are damages recoverable by Matt in an
24 amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

25 180. As a direct and proximate cause of the conduct of Defendants, Matt suffered a loss
26 of enjoyment of life, all of which are damages recoverable by Matt in an amount in excess of
27 Seventy-Five Thousand Dollars (\$75,000.00).

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181. As a direct and proximate cause of Defendants' defective Class B foams and turnouts, Matt now has limited occupational and recreational capacity, which has caused and will continue to cause a loss of wages and loss of future earning capacity, which are damages recoverable by Matt in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

182. Defendants' conduct demonstrated a conscious disregard of known accepted procedures, standards and/or protocols, all with the knowledge or utter disregard that such conduct could or would cause serious injury or death to consumers and/or users of their products.

183. Defendants' actions were conducted in an oppressive, malicious, despicable, gross and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

184. As a direct and Proximate result of Defendants' conduct, Plaintiffs are entitled to punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

185. Plaintiffs have been forced to retain the services of an attorney to represent them in this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

THIRD CAUSE OF ACTION

Negligent Product Liability - Unreasonably Dangerous Product

186. Plaintiffs repeat and reallege each and every allegation set forth in this Complaint, as though the same were fully set forth herein.

187. Defendants owed a duty to Matt to exercise reasonable care in the manufacture, design, and/or sale of their Class B foams and/or turnouts to ensure that they were safe for their reasonably foreseeable use.

188. Defendants negligently manufactured, designed, assembled, packaged, and/or distributed their Class B foams and/or turnouts such that they were dangerous and unsafe for their intended use and/or reasonably foreseeable use.

189. Defendants' Class B foams and/or turnouts were more dangerous than would be contemplated by the ordinary consumer and/or ordinary user having the ordinary knowledge available in the Las Vegas community.



1 190. It was technologically and economically feasible for Defendants to design safer
2 firefighting foams and turnouts.

3 191. Fluorochemical-free and PFAS-free firefighting foams are technologically and
4 economically feasible.

5 192. Numerous companies manufacture, distribute, market and/or sell fluorine-free
6 firefighting foams that have been shown to be effective alternatives to PFAS-containing Class B
7 foams.

8 193. Safe fluorine-free turnout gear is also technologically and economically feasible.

9 194. The economic and technological feasibility of fluorine-free foams and turnout gear
10 is based on technology that has been available for years.

11 195. The alternative designs detailed above are far safer for firefighters and eliminate
12 the serious health risks that result from PFAS exposure.

13 196. The use of these alternate designs would have prevented or reduced the harm
14 sustained by Matt resulting from the use of Defendants' PFAS-containing foams and turnouts.

15 197. Defendants failed to exercise the amount of care in the design, manufacture,
16 distribution, and/or sale of their Class B foams and/or turnouts, that a reasonably careful
17 manufacturer, designer, and/or seller would have used in similar circumstances to avoid exposing
18 consumers and/or users to a foreseeable risk of harm.

19 198. As a direct and proximate cause of Defendants' negligence, Matt suffered severe
20 personal injuries including pain and suffering and emotional distress, all of which are damages
21 recoverable by Matt in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

22 199. As a direct and proximate cause of Defendants' negligence, Kaylie has been
23 deprived of the right to a continued relationship and the right to enjoy Matt's continued love,
24 comfort, companionship and society, all of which are damages recoverable by Kaylie in an amount
25 in excess of Seventy-Five Thousand Dollars (\$75,000.00).

26 200. As a direct and proximate cause of the conduct of Defendants', Matt is entitled to
27 recover damages for the pain, suffering, anxiety, disability, emotional distress, physical injuries
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1 and medical treatment, both past and future, all of which are damages recoverable by Matt in an
2 amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

3 201. As a direct and proximate cause of the conduct of Defendants, Matt suffered a loss
4 of enjoyment of life, all of which are damages recoverable by Matt in an amount in excess of
5 Seventy-Five Thousand Dollars (\$75,000.00).

6 202. As a direct and proximate cause of Defendants' defective Class B foams and
7 turnouts, Matt now has limited occupational and recreational capacity, which has caused and will
8 continue to cause a loss of wages and loss of future earning capacity, which are damages
9 recoverable by Matt in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

10 203. Defendants' conduct demonstrated a conscious disregard of known accepted
11 procedures, standards and/or protocols, all with the knowledge or utter disregard that such conduct
12 could or would cause serious injury or death to consumers and/or users of their Class B foams and
13 turnouts.

14 204. Defendants' actions were conducted in an oppressive, malicious, despicable, gross
15 and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for
16 Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

17 205. As a direct and Proximate result of Defendants' conduct, Plaintiffs are entitled to
18 punitive damages in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

19 206. Plaintiffs have been forced to retain the services of an attorney to represent them in
20 this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

21 **FOURTH CAUSE OF ACTION**

22 **Negligent Product Liability - Failure to Include an Adequate Warning**

23 207. Plaintiffs repeat and reallege each and every allegation set forth in this Complaint,
24 as though the same were fully set forth herein.

25 208. Defendants owed a duty to Matt to exercise reasonable care in the warning of the
26 use of their Class B foams and turnouts, and to ensure that those products were safe for their
27 reasonably foreseeable use.
28

1 209. Defendants' negligently manufactured, designed, packaged, and/or distributed their
2 Class B foams and turnouts such that they contained no adequate warnings of the potential dangers
3 inherent with their use, and as such, were dangerous and unsafe.

4 210. Defendants failed to provide sufficient warning to purchasers and end users that
5 their Class B foams and turnouts could cause PFAS to be released, resulting in exposure and
6 bioaccumulation of toxic chemicals in the human body.

7 211. Defendants' Class B foams and turnouts failed to perform in a manner reasonably
8 to be expected in light of their nature and intended function and were more dangerous than would
9 be contemplated by the ordinary consumer and/or ordinary user having the ordinary knowledge
10 available in the Las Vegas community.

11 212. Defendants failed to exercise the amount of care in the design, development,
12 manufacture, instruction, marketing, promotion, distribution, and selling of their Class B foams
13 and turnouts that a reasonably careful company would have used in similar circumstances to avoid
14 exposing consumers and/or users to a foreseeable risk of harm.

15 213. Matt was a foreseeable user of Defendants' Class B foams and turnouts, and used
16 the products in a foreseeable manner.

17 214. Defendants knew, or should have known, that their Class B foams and turnouts can
18 be dangerous and harmful when used in a reasonably foreseeable manner.

19 215. A reasonable company in Defendants' position would have warned its users about
20 the safety risks associated with the use of foams and turnouts containing PFAS.

21 216. Defendants breached their duty by failing to provide adequate warnings to Matt, as
22 set forth above.

23 217. As a direct and proximate cause of Defendants' negligence, Matt suffered severe
24 personal injuries including pain and suffering and emotional distress, all of which are damages
25 recoverable by Matt in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

26 218. As a direct and proximate cause of Defendants' negligence, Kaylie has been
27 deprived of the right to a continued relationship and the right to enjoy Matt's continued love,
28



1 comfort, companionship and society, all of which are damages recoverable by Kaylie in an amount
2 in excess of Seventy-Five Thousand Dollars (\$75,000.00).

3 219. As a direct and proximate cause of the conduct of Defendants, Matt is entitled to
4 recover damages for the pain, suffering, anxiety, disability, emotional distress, physical injuries
5 and medical treatment, both past and future, all of which are damages recoverable by Matt in an
6 amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

7 220. As a direct and proximate cause of the conduct of Defendants, Matt suffered a loss
8 of enjoyment of life, all of which are damages recoverable by Matt in an amount in excess of
9 Seventy-Five Thousand Dollars (\$75,000.00).

10 221. Due to the systematic and repetitive nature of Defendants' violations, Defendants
11 breached their duties in an oppressive, malicious, despicable, gross and wantonly negligent
12 manner. This conduct reveals Defendants' conscious disregard for Plaintiffs' rights and thereby
13 entitles Plaintiffs to recover punitive damages.

14 222. As a direct and proximate cause of the conduct of Defendants, Matt now has limited
15 occupational and recreational capacity, which has caused and will continue to cause a loss of wages
16 and loss of future earning capacity, which are damages recoverable by Matt in an amount in excess
17 of Seventy-Five Thousand Dollars (\$75,000.00).

18 223. Defendants' actions were conducted in an oppressive, malicious, despicable, gross
19 and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for
20 Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

21 224. Plaintiffs have been forced to retain the services of an attorney to represent them in
22 this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

23 **FIFTH CAUSE OF ACTION**

24 **Negligent Distribution and Marketing**

25 225. Plaintiffs repeat and reallege each and every allegation set forth in this Complaint,
26 as though the same were fully set forth herein.

1 226. At all times mentioned herein, Defendants owed a duty to Matt to manufacture,
2 market, package and/or distribute their Class B foams and/or turnouts with adequate directions
3 and adequate warnings.

4 227. As a result of Defendants' negligent manufacturing, marketing, packaging, and/or
5 distributing, Defendants breached their duty to Matt, by failing to warn and protect him from
6 foreseeable harm, resulting in Matt's injuries and damages as alleged herein.

7 228. As a direct and proximate cause of Defendants' negligence, Matt suffered severe
8 personal injuries including pain and suffering and emotional distress, all of which are damages
9 recoverable by Matt in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

10 229. As a direct and proximate cause of Defendants' negligence, Kaylie has been
11 deprived of the right to a continued relationship and the right to enjoy Matt's continued love,
12 comfort, companionship and society, all of which are damages recoverable by Kaylie in an amount
13 in excess of Seventy-Five Thousand Dollars (\$75,000.00).

14 230. As a direct and proximate cause of the conduct of Defendants, Matt is entitled to
15 recover damages for the pain, suffering, anxiety, disability, emotional distress, physical injuries
16 and medical treatment, both past and future, all of which are damages recoverable by Matt in an
17 amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

18 231. As a direct and proximate cause of the conduct of Defendants, Matt suffered a loss
19 of enjoyment of life, all of which are damages recoverable by Matt in an amount in excess of
20 Seventy-Five Thousand Dollars (\$75,000.00).

21 232. As a direct and proximate cause of the conduct of Defendants, Matt now has limited
22 occupational and recreational capacity, which has caused and will continue to cause a loss of wages
23 and loss of future earning capacity, which are damages recoverable by Matt in an amount in excess
24 of Seventy-Five Thousand Dollars (\$75,000.00).

25 233. Defendants' actions were conducted in an oppressive, malicious, despicable, gross
26 and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for
27 Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

28

1 234. Plaintiffs have been forced to retain the services of an attorney to represent them in
2 this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

3 **SIXTH CAUSE OF ACTION**

4 **Breach of the Implied Warranty of Fitness for a Particular Purpose**

5 235. Plaintiffs repeat and reallege each and every allegation set forth in this Complaint,
6 as though the same were fully set forth herein.

7 236. At all times relevant herein, Defendants were engaged in designing, developing,
8 manufacturing, marketing, promoting, distributing, and/or selling PFAS-containing Class B foams
9 and/or turnouts.

10 237. At all times relevant herein, Defendant knew that their PFAS-containing Class B
11 foams and/or turnouts were being used by the firefighters and other consumers, and Defendants
12 impliedly warranted that those products were safe and fit for the purpose for which they were
13 ordinarily used.

14 238. Matt reasonably relied upon the skill and judgment of Defendants as to whether
15 Defendants' PFAS-containing Class B foams and turnouts were safe and fit for their intended use
16 and purpose.

17 239. Contrary to such implied warranty, Defendants' PFAS-containing Class B foams
18 and turnouts were not safe or fit for their intended use or purpose, and were unreasonably
19 dangerous and unfit for use by firefighters and the general public.

20 240. Matt was exposed to PFAS by using Defendants' PFAS-containing Class B foams
21 and turnouts in the course of his firefighting activities, without knowledge of the products'
22 dangerous and hazardous properties.

23 241. As a direct and proximate cause of Defendants' conduct, Matt suffered severe
24 personal injuries including pain and suffering and emotional distress, all of which are damages
25 recoverable by Matt in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

26 242. As a direct and proximate cause of the conduct of Defendants, Matt is entitled to
27 recover damages for the pain, suffering, anxiety, disability, emotional distress, physical injuries
28

1 and medical treatment, both past and future, all of which are damages recoverable by Matt in an
2 amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

3 243. As a direct and proximate cause of the conduct of Defendants, Matt suffered a loss
4 of enjoyment of life, all of which are damages recoverable by Matt in an amount in excess of
5 Seventy-Five Thousand Dollars (\$75,000.00).

6 244. As a direct and proximate cause of the conduct of Defendants, Matt now has limited
7 occupational and recreational capacity, which has caused and will continue to cause a loss of wages
8 and loss of future earning capacity, which are damages recoverable by Matt in an amount in excess
9 of Seventy-Five Thousand Dollars (\$75,000.00).

10 245. Defendants' conduct demonstrated a conscious disregard of known accepted
11 procedures, standards and/or protocols, all with the knowledge or utter disregard that such conduct
12 could or would cause serious injury or death to consumers and/or users of their PFAS-containing
13 products.

14 246. Defendants' actions were conducted in an oppressive, malicious, despicable, gross
15 and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for
16 Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

17 247. Plaintiffs have been forced to retain the services of an attorney to represent them in
18 this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

19 **SEVENTH CAUSE OF ACTION**

20 **Negligence**

21 248. Plaintiffs repeat and reallege each and every allegation set forth in this Complaint,
22 as though the same were fully set forth herein.

23 249. Defendants owed a duty to Plaintiffs to exercise reasonable care in the design,
24 development, manufacture, instruction, marketing, promotion, distribution, and selling of their
25 Class B foams and turnouts, so as not to create an unreasonable risk of harm from use by the public
26 and firefighters, including Matt.

27 250. At all times relevant, Defendants knew, or should have known, that their Class B
28 foams and turnouts posed an unreasonable risk of harm to firefighters and the public.

1 251. At all times relevant, Defendants knew, or should have known, that firefighters and
2 other users of their Class B foams and turnouts would not realize the potential risks and dangers
3 of using those products.

4 252. Defendants failed to exercise the amount of care in the design, development,
5 manufacture, instruction, marketing, promotion, distribution, and selling of their Class B foams
6 and turnouts that a reasonably careful company would have used in similar circumstances to avoid
7 exposing consumers and/or users to a foreseeable risk of harm.

8 253. The manner and extent of Matt's use of Defendants' turnouts and Class B foams
9 was reasonably foreseeable and/or facilitated and encouraged by Defendants.

10 254. Defendants knew, or should have known, that their Class B foams and turnouts can
11 be dangerous and harmful when used in a reasonably foreseeable manner.

12 255. Defendants breached their duties of care through their actions, or failures to act, in
13 the design, development, manufacture, instruction, marketing, promotion, distribution, and selling
14 of their Class B foams and turnouts.

15 256. Defendants breached their duties by engaging in the acts described in this
16 complaint.

17 257. As a direct and proximate cause of Defendants' negligence, Matt suffered severe
18 personal injuries including pain and suffering and emotional distress, all of which are damages
19 recoverable by Matt in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

20 258. As a direct and proximate cause of Defendants' negligence, Kaylie has been
21 deprived of the right to a continued relationship and the right to enjoy Matt's continued love,
22 comfort, companionship and society, all of which are damages recoverable by Kaylie in an amount
23 in excess of Seventy-Five Thousand Dollars (\$75,000.00).

24 259. As a direct and proximate cause of the conduct of Defendants, Matt is entitled to
25 recover damages for the pain, suffering, anxiety, disability, emotional distress, physical injuries
26 and medical treatment, both past and future, all of which are damages recoverable by Matt in an
27 amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

28

263. Plaintiffs have been forced to retain the services of an attorney to represent them in this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

267. Defendants misrepresented and downplayed risks that were known to them regarding the health hazards associated with Class B foams, PFAS, and PFAS-containing materials, and the harms associated with human exposure resulting from their intended and/or common use.

1 268. Defendants knew, or in the exercise of reasonable care should have known, that the
2 misleading representations and/or omissions were false and/or without a sufficient basis for
3 making.

4 269. Defendants intended to induce consumers and firefighters such as Matt to act on
5 the false and misleading representations or material omissions.

6 270. Matt justifiably relied on Defendants' false representations and/or omissions.

7 271. Matt sustained actual and consequential damages, which he is entitled to recover,
8 as a result of his reliance on Defendants' false representations or omissions.

9 272. As a direct and proximate cause of Defendants' false representations or omissions,
10 Matt suffered severe personal injuries including pain and suffering and emotional distress, all of
11 which are damages recoverable by Matt in an amount in excess of Seventy-Five Thousand Dollars
12 (\$75,000.00).

13 273. As a direct and proximate cause of Defendants' false representations or omissions,
14 Kaylie has been deprived of the right to a continued relationship and the right to enjoy Matt's
15 continued love, comfort, companionship and society, all of which are damages recoverable by
16 Kaylie in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

17 274. As a direct and proximate cause of Defendants' false representations or omissions,
18 Matt is entitled to recover damages for the pain, suffering, anxiety, disability, emotional distress,
19 physical injuries and medical treatment, both past and future, all of which are damages recoverable
20 by Matt in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

21 275. As a direct and proximate cause of Defendants' false representations or omissions,
22 Matt suffered a loss of enjoyment of life, all of which are damages recoverable by Matt in an
23 amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

24 276. As a direct and proximate cause of the conduct of Defendants, Matt now has limited
25 occupational and recreational capacity, which has caused and will continue to cause a loss of wages
26 and loss of future earning capacity, which are damages recoverable by Matt in an amount in excess
27 of Seventy-Five Thousand Dollars (\$75,000.00).

28

277. Defendants' actions were conducted in an oppressive, malicious, despicable, gross and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

278. Plaintiffs have been forced to retain the services of an attorney to represent them in this action, and as such are entitled to reasonable attorneys' fees and litigation costs.

NINTH CAUSE OF ACTION

Loss of Consortium (Maria Celeste Mattiello)

279. Plaintiffs incorporate all other paragraphs of the Complaint as if those paragraphs were fully incorporated herein.

280. Plaintiff Maria Celeste Mattiello brings a loss of consortium claim under Nevada law, arising from her husband Matt's injuries as alleged herein.

281. Celeste and Matt met in September of 2009 and were married in September of 2013.

282. Celeste and Matt enjoyed a valid and lawful marriage in Nevada at the time of the Subject Incident.

283. Prior to Matt's injuries, caused by Defendants, Celeste and Matt lived an active lifestyle and enjoyed traveling together. As a result of Matt's injuries, caused by Defendants, Celeste has been deprived of this companionship.

284. Celeste and Matt had their first child in 2015, and started planning for a second child when Matt was beginning his career as a firefighter in 2019.

285. Celeste's husband Matt suffered tortious injury as described herein.

286. Due to Matt's injuries, caused by Defendants, Celeste has suffered a permanent loss of consortium, disruption, and harm in her marriage, including but not limited to loss of her injured husband's companionship, conjugal relationship, sexual relationship, emotional support, and marital harmony.

287. Due to Matt's injuries, caused by Defendants, Celeste and Matt will be unable to have another child together. Further, Matt's testosterone levels have been diminished which adversely affects various aspects of their marital harmony.

288. Due to Matt's injuries, caused by Defendants, Celeste and Matt experience emotional distress, worrying, and anxiousness concerning Matt's unknown health status, all of which has adversely affected their marital harmony.

289. Defendants' actions were conducted in an oppressive, malicious, despicable, gross and wantonly negligent manner. This conduct reveals Defendants' conscious disregard for Plaintiffs' rights and thereby entitles Plaintiffs to recover punitive damages.

290. As a direct and proximate result of the actions and conduct of the Defendants injuring her husband Matt, Celeste is entitled to damages for loss of consortium in an amount in excess of Seventy-Five Thousand Dollars (\$75,000.00).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court grant Plaintiffs the following relief:

1. General damages in an amount in excess of \$75,000.00;
2. Compensatory damages in an amount in excess of \$75,000.00;
3. Special damages in an amount in excess of \$75,000.00;
4. Medical and incidental expenses incurred and to be incurred;
5. Punitive damages in an amount to be determined at trial;
6. Damages for lost earnings and diminished earning capacity and other economic damages in an amount to be determined at trial.
7. Damages for past and future pain, suffering, mental anguish, and loss of enjoyment of life;
8. Damages for a loss of past and future household services;
9. For pre- and post-judgment interest as provided by law;
10. Costs of suit, reasonable attorney fees, interest incurred herein;
11. Equitable and injunctive relieve to ensure that Defendants refrain from continuing to harm others; and

...

12. Any such other and further relief as is just and proper.

Dated this 18th day of July 2024.

By: /s/ Robert M. Adams
ROBERT T. EGLET, ESQ.
Nevada Bar No. 3402
ROBERT M. ADAMS, ESQ.
Nevada Bar No. 6551
ARTEMUS W. HAM, ESQ.
Nevada Bar No. 7001
ERICA D. ENTSMINGER, ESQ.
Nevada Bar No. 7432
JOEL D. HENRIOD, ESQ.
Nevada Bar No. 8492
CASSANDRA S.M. CUMMINGS, ESQ.
Nevada Bar No. 11944
EGLET ADAMS EGLET HAM HENRIOD
400 S. Seventh St., Suite 400
Las Vegas, NV 89101
Ph: (702) 450-5400; Fax: (702) 450-5451
Email: eservice@egletlaw.com
Attorneys for Plaintiffs

EGLET ADAMS
EGLET HAM HENRIOD

DEMAND FOR JURY TRIAL

Plaintiff, by and through her attorneys of record, hereby demands a jury trial of all of the issues in the above matter.

DATED this 18th day of July 2024.

By: /s/ Robert M. Adams

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Nevada Bar No. 8492

CASSANDRA S.M. CUMMINGS, ESQ.

Nevada Bar No. 11944

EGLET ADAMS EGLET HAM HENRIOD

400 S. Seventh St., Suite 400

Las Vegas, NV 89101

Ph: (702) 450-5400; Fax: (702) 450-5451

Email: eservice@egletlaw.com

Attorneys for Plaintiffs

EGLET ADAMS
EGLET HAM HENRIOD